



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
WATER AND  
WATERSHEDS

Mr. Kelly Susewind  
Washington Department of Ecology  
Water Quality Program Manager  
P.O. Box 47600  
Olympia, Washington 98504-7600

August 10, 2011

Re: EPA's Action on the 2011 Non-Substantive and Minor Editorial Revisions to Washington's Surface Water Quality Standards at WAC 173-201A.

Dear Mr. Susewind:

On June 16, 2011, the Department of Ecology (Ecology) submitted revisions to the State's surface water quality standards at WAC 173-201A. The revisions consisted of minor changes to correct or clarify numerous areas of the rule that were in error. The revised rules were adopted on May 9, 2011, and became effective on June 9, 2011. The revisions include:

- Making minor edits such as adding missing references and correcting typographic errors since the last time the rule was amended in 2006.
- Adding or removing rule language for better clarity. Generally, this is the result of the transition from the 1997 water quality standard format to the 2006 format.
- Formatting or adjusting several tables to make them more clear and accurate.

Documents related to the rulemaking can be found at:

<http://www.ecy.wa.gov/programs/wq/swqs/RuleRev2011.html>

Ecology accepted public comments from January 18, 2011 through March 16, 2011, and held four public hearings in March at Spokane, Yakima, Lacey, and Bellevue. The EPA submitted comments regarding the proposed rule changes on March 16, 2011. The comments highlighted a concern regarding the proposed revisions to WAC 173-201A-600(2) regarding tribal jurisdiction and consistency with the federal regulations. As a result of the EPA's comments, Ecology revised the proposed rule language using one of the EPA's suggested options.

## **Background**

Under Sections 303(a)-(c) of the CWA, 33 U.S.C § 1313(a)-(c), states are required to establish water quality standards (WQS) and submit them to the EPA for approval or disapproval. Likewise, revisions to a state's WQS must also be submitted to the EPA for approval or disapproval.

Section 303(c)(2) of the CWA requires States and authorized Tribes to submit new or revised WQS to the EPA for review. Under Section 303(c) of the CWA and its implementing regulations found at 40 C.F.R. 131.5, the EPA is to review these WQS to ensure the adopted designated water uses are consistent with the CWA, the adopted criteria protect the designated water uses, and the State has followed its own legal procedures for adopting such standards.

The following outlines the new or revised provisions which the EPA is approving at this time. Further detail is provided in the enclosed technical justification document.

### **WQS Provisions Which EPA is Approving**

Ecology's revisions fall into two main categories: non-substantive formatting changes, and minor editorial revisions.

The minor editorial revisions include a variety of administrative changes which include the following:

- The revised rule language is a correction or clarification needed for consistency with information provided in with the EPA's March 22, 2006, disapproval action.
- The revised rule language is a clarification of the use categories and associated seasonal criteria.
- The revised rule language changes wording to clarify the intent of the rule but the underlying standard is unchanged.
- The revised rule language corrects an error of the designated use box that was checked in the 1997 version of the rule.
- The revised rule language to clarify latitude/longitude coordinates or township/range/section of specific waterbody segments.
- The revised rule language is a correction that clarifies the actual water body locations which includes spelling of creek names, actual confluences, etc.
- The revised rule language clarifies the wording of the confluence of two waterways in the WRIA, using the word confluence instead of junction.

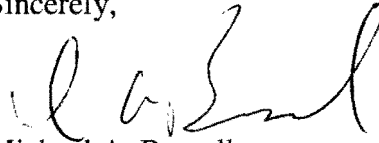
In addition, Ecology made several non-substantive formatting changes. These non-substantive/insignificant changes or corrections of errata are clarifications and corrections to cross-referencing, punctuation, extra, or unnecessary words, etc.

The EPA is approving these minor editorial changes and non-substantive revisions to Washington's water quality standards. The non-substantive revisions or editorial changes in these provisions do not alter the underlying provisions that the EPA previously approved and the EPA is not acting on the underlying provisions. Many of the revisions correct errors in Ecology's WQS consistent with the EPA's disapproval materials of March 22, 2006. The EPA is approving these minor editorial changes and non-substantive revisions to WQS under Section 303(c) of the CWA and the implementing regulations at 40 CFR Part 131.

Additionally, there are several revisions which do not require the EPA's action. These are simple formatting changes which did not alter the text of the WQS. More information can be found regarding these provisions in the enclosed technical justification document.

A detailed discussion of the rationale for today's action is included in the enclosed technical justification document. If you have questions concerning this letter, please feel free to contact me at (206) 553-4198 or have your staff contact Matthew Szelag at (206) 553-5171.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael A. Bussell', written in a cursive style.

Michael A. Bussell

Director

Office of Water and Watersheds

Enclosure: Technical Justification

cc: Ms. Melissa Gildersleeve, Washington Department of Ecology  
Ms. Susan Braley, Washington Department of Ecology  
Ms. Becca Conklin, Washington Department of Ecology